



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Boston, Massachusetts 02114

Steven Grossman
Treasurer and Receiver General

Kim J. Gainsboro, Esq.
Chairman

DECISION

REVERE LODGE #1171 OF THE B.P.O.E. OF U.S.A.
198 SHIRLEY AVE.
REVERE, MA 02151
LICENSE#: 102200047
VIOLATION DATE: 07/18/2013
HEARD: 11/19/2013

Revere Lodge #1171 of the B.P.O.E. of U.S.A. (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, §12. The Alcoholic Beverages Control Commission (the "Commission") held a hearing on Tuesday, November 19, 2013, regarding an alleged violation of 204 CMR 2.05 (2), to wit: M.G.L. c. 140 §177A (5) Automatic Amusement devices licensed under this section shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection. Prior to the commencement of the hearing, the licensee stipulated to the violation alleged in Investigator Temple's Report.

The following documents are in evidence:

1. Investigator Temple's Violation Report dated March 27, 2013;
2. Licensee's Stipulation of Facts; and
3. Photo depicting Doorway and machine.

There is one (1) audio recording of this hearing.

FACTS

1. On Wednesday, March 27, 2013, at approximately 5:40 p.m., Chief Investigator Mahony and Investigator Temple conducted an investigation of the business operation Revere Lodge #1171 of the B.P.O.E. of U.S.A. to determine the manner in which its business was being conducted.
2. Investigators entered the licensed premises, identified themselves to the bartender on duty, and asked to speak with someone in charge.
3. Investigators were met by Jim Hannon, president of the club.
4. While behind the bar, investigators observed an enclosed room to the right side of the premises.
5. Investigators observed four automatic amusement devices labeled as: Draw 80 Poker and Deluxe 8 Liner.
6. Investigators observed that the devices contained characteristics, which based on their training and experience, they know to be indications that the devices are utilized as gambling devices.
7. Investigators observed that the devices contained the following characteristics:
 - o The video devices accepted dollar bills ranging from \$1, 5, 10, and 20;

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- The capability to select the number of points (the amount to bet);
 - The device registered the bet by displaying the number of points selected;
 - The capability to double up the bet by selecting the double-up button;
 - Each video device had markings that indicated "for amusement only";
 - Each device had a "knock off" mechanism to reset the credits to zero by placing a metal key against the two metal bolts located on the exterior of the devices.
8. Investigators informed Mr. Hannon that a violation report would be submitted for review.

CONCLUSION

Based on the evidence, the Commission finds the licensee violated 204 CMR 2.05 (2), to wit: M.G.L. c. 140 §177A (5) Automatic Amusement devices licensed under this section shall be so installed on the premises described in the license as to be in open view at all times while in operation, and shall at all times be available for inspection. As the licensee has been in business for over one hundred (100) years with no previous violations, and he had replaced the door with one that is see-through and that is pulled down at night, the Commission issues a **WARNING**.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Kathleen McNally, Commissioner *Kathleen McNally*

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision

Susan Corcoran, Commissioner *Susan Corcoran*

Dated: December 2, 2013

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

cc: Local Licensing Board
 Frederick G. Mahony, Chief Investigator
 Christopher Temple, Investigator
 Robert Allen, Esq. via fax 617-383-6001
 Administration
 File